IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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| Applicants: | Clark et al. | |
| Serial No.: | 09/500,512 | Examiner: V. Kim |
| Filed: | February 9, 2000 | Art Unit: 1614 |
| For: | METHODS AND COMPOSITIONS FOR FIBROBLAST MIGRATION | |

**REQUEST FOR RECONSIDERATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the office action dated August 13, 2003.

**REMARKS**

In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

The rejection of claims 1-25 and 33-34 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 5,935,850 to Clark et al. ("Clark") in view of Brown et al., Am. J. Path., 132(1):273-83 (1993)("Brown") and Mosesson et al., Biochemistry, 5(9): 2829-835 (1966) is respectfully traversed.

Clark relates to models of cell migration. Clark was filed on September 30, 1996 and issued on August 10, 1999. The present application was filed on February 9, 2000 claiming priority to U.S. Provisional Patent Application Serial No. 60/119,344, filed on February 9, 1999. Accordingly, the present application is entitled to a priority date of February 9, 1999. Clark, which issued on August 10, 1999 is only available as prior art under 35 U.S.C. 103(e). The present application is assigned to The Research Foundation of SUNY (recorded at Reel/Frame 010904/0694 on June 15, 2000). Clark is assigned to The Research Foundation of SUNY (recorded at Reel/Frame 010470/0015 on December 6, 1999 and Reel/Frame

8292/0170 on December 19, 1996). Accordingly, pursuant to 35 U.S.C. § 103(c), Clark should not be considered when determining whether the present invention is obvious under 35 U.S.C. § 103, because the subject matter of Clark and the present invention was commonly owned at the time the invention made. Accordingly, the combination of references is improper and the rejection based on this combination must be withdrawn.

Accordingly, the present invention is not taught or suggested by the combination of the remaining cited references.

Brown relates to fibroblast migration in fibrin gel matrices. Fibrinogen is coagulated to form a fibrin gel. Fibroblast migrate into the gel. Fibroblasts migrated optimally into gels prepared from fibrinogen at concentrations of about 3 mg/ml. Brown does not disclose a method for enhancing wound migration at a wound site, contacting the wound site with fibrinogen nor a process of preparing fibrinogen which includes precipitating plasma with glycine.

Mosesson relates to the preparation of human fibrinogen. Mosesson does not disclose a method for enhancing wound migration at a wound site nor contacting the wound site with fibrinogen.

Firstly, Brown and Mosesson are not combinable. One skilled in the art of Brown, which relates to fibroblast migration in fibrin gel matrices, would not look to the art of Mosesson, which relates to a process of preparing fibrinogen, for answers. In fact, Brown teaches that fibroblast migration peaked in gels prepared at fibrinogen concentrations of 3 mg/ml; higher fibrinogen concentrations had significantly lower fibroblast migration (Brown at 278, first column, last paragraph). Accordingly, contrary to the assertion by the U.S. Patent and Trademark Office, one skilled in the art of Brown would not have looked to Mosesson for teaching a higher purity fibrinogen, because Brown teaches that high purity fibrinogen is less successful in fibroblast migration in fibrin gels. Likewise, one skilled in the art of Mosesson would not look to Brown for answers. Accordingly, the

combination is improper and the rejection based on the combination should be withdrawn.

Even assuming the combination is proper, which it is not, the combination does not teach the claimed invention. In particular, neither Brown or Mosesson, nor the cited combination of Brown and Mosesson, teach a method of enhancing fibroblast migration at a wound site by contacting the wound site with fibrinogen. Specifically, Brown relates to migration of fibroblasts in a fibrin gel. There is no teaching or suggestion that fibroblast migration at a wound site could be enhanced by using fibrinogen, because Brown was only concerned about fibroblast migration in a fibrin gel. Mosesson does not cure this deficiency.

Further, neither of the cited references (or the cited combination) teach or suggest a method of enhancing fibroblast migration with a fibrinogen composition which includes a lipid rich component.

In view of the foregoing, applicants believe that this application is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

January 12, 2004
Date

Karla M. Weyand
Registration No. 40,223

Rogalskyj & Weyand, LLP
P.O. Box 44
Livonia, New York 14487-0044
Tel: 716-626-5380
Fax: 716-626-5384

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail on 1/12/04 under 37 CFR 1.8 and is addressed to the Commissioner for Patent, PO Box 1450, Alexandria, VA 22313-1450

Karla M. Weyand
Signature of Person Mailing Correspondence

Karla M. Weyand
Typed Name of Person Mailing Correspondence